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SB 129

March 3, 2021

TO: Members of the Senate Judicial Proceedings Committee
FROM: Natasha Mehu, Director, Mayor's Office of Government Relations
RE: Senate Bill 129 - Access to Counsel in Immigration Proceedings Program
POSITION: Support

Chair Smith, Vice Chair Valdstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 129.

SB 129 recognizes that a crucial way to keep our communities cohesive, stable, safe, and successful is to ensure legal representation for those whose future depends on it. Over the last three years, the City of Baltimore has proudly funded a similar program for low-income City residents. Baltimore City is committed to keeping families together. Without an attorney, Marylanders who may have a right to remain in the U.S. are often deported, separated from their families, and forced to return to the very conditions that they fled. As public entities, it is our responsibility to protect our constitutions and communities.

Baltimore City has successfully implemented a similar program for the last three years

This model of legal representation for immigrants in detention has proven successful in Baltimore City and has contributed to keeping our communities safe. The City of Baltimore, through the Mayor's Office of Immigrant Affairs (MIMA), launched a partnership with the VERA Institute of Justice and Open Society Institute Baltimore (OSI) in 2017 to fund Safe City Baltimore. The Safe City program funds and coordinates legal defense for those facing deportation and helps keep families together. Through this partnership, Baltimore has collaborated with the Capital Area Immigrants' Rights (CAIR) Coalition to identify and provide representation for low-income Baltimore City residents in detention facing deportation. The CAIR Coalition has provided legal defense services for Baltimore residents based on the principles of universal representation.

The results of our program speak for themselves. Through this program, we have found that individuals in the Baltimore Immigration Court with representation were ten times more

likely to win their case than those without representation. Given that 81% of detained immigrants in Maryland have no legal representation at any point in their case and that only 7% of detained, non-represented immigrants in the Baltimore immigration court win their case, it is crucial that our City government help provide access to legal defense. In the first year of the program, the number of successful cases represented by attorneys with successful outcomes rose to 38%. Cases that went to trial with representation over the past three years have had a success rate of approximately 77%. Over the last year, every case in our program that went to trial had a successful outcome. These statistics demonstrate that it is often access to counsel that determines the outcomes of a case.

The triumph of this program at a municipal level speaks to the necessity of this bill at a state level. The protections and support granted to residents of Baltimore City should be expanded to every resident of our state.

Legal representation helps keep families and communities safe

Being a part of the SAFE Network, a national network of legal service providers that defend detained immigrants is important to Baltimore City because it is in line with our values of keeping families together and respecting the rights and dignity of immigrants in our City. Over the years, Baltimore has taken pride in being a Welcoming City for immigrants and refugees. Our program revealed that Baltimore residents in ICE detention had spent an average of 12 years in the U.S. and 86% had children living in the City. These individuals have deep-seated roots in our communities. The challenges and dangers they face in immigration proceedings extend to their families and communities. Without representation, these individuals are likely to be indefinitely detained or permanently deported, tearing families apart and putting impossible burdens and decisions on families who may already be struggling.

Baltimore City advocates for the right to due process for all residents. Individuals deserve the opportunity to tell their stories in front of a judge. This bill helps strengthen our democracy by guarantying due process rights and ensuring a more equitable process.

Residents of Maryland should not live in fear of being separated from their families and losing the lives they have worked hard to build in our state. Their contributions to the fabric and prosperity of our cities should not go ignored.

Legal representation helps address the challenges of the current moment

We believe that this bill meets the moment in which we are living. A right to legal representation empowers the most marginalized members of our community. It is a means of fighting systemic injustice. Our office fights for racial justice and uprooting the systems that hurt our communities of color. Increased immigration enforcement and detention has had deep implications for communities of color in Maryland. Communities that are over-policed and over-prosecuted in our criminal system face similar injustices in the immigration system.

COVID-19 has also exasperated the urgent need for legal representation in immigration proceedings. As Maryland fights to keep its residents safe and healthy, legal representation helps

protect detained individuals and the larger Maryland community. Immigration enforcement has not faltered in its efforts to detain and deport individuals in the pandemic, putting our residents and communities at risk.

The pandemic has also put an economic strain on all Maryland residents. The struggle for low-income families and families of color in affording legal representation for their loved ones is amplified in the current economic situation, especially as detained individuals are often the breadwinners of their families. Not being able to afford representation should not be the difference between a family staying together and a person facing persecution in their country. We must stand up for and protect our residents. It is our job to protect the integrity of these families, to do what we can to promote public safety and encourage economic prosperity. At a time in which we ask our constituents to support one another and trust their government to overcome the pandemic, we must ensure the safety of all residents.

The City of Baltimore stands behind its diverse immigrant communities, and the state of Maryland should as well. Our administration will continue to do everything in our power so that Baltimore residents feel safe in our great city, and we encourage the State to extend this protection to all Marylanders. Passing SB 129 will help keep our communities and state safe and prosperous.

For these reasons the BCA respectfully request a **favorable** report on Senate Bill 129.